IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE BILAL NAZKI**

**WRIT PETITION NO : 6037 of 1995**

Between:

**1** B.Yashodha W/o. Mohan Reddy
R/o. Kothapalli Karimnagar Dt.
2 K.malla Reddy S/o. Venkat Reddy
R/o. Kothapalli Karimnagar Dt.
3 N.Narayana Reddy S/o. Pedda Malla Reddy,

R/o. Kothapalli
4 D.Narayana Reddy S/o. Malla Reddy, R/o. Kothapalli
5 D.Hanumantha Reddy S/o. Raji Reddy, R/o. Kothapalli
6 S.Narayana S/o. Agaiah, R/o Arepalli Karimnagar Dt.
7 T.Venkataiah S/o. Mallaiah, R/o Arepalli Karimnagar Dt.
8 T.Mallaiah S/o. Ragaiah, R/o Arepalli Karimnagar Dt.
9 B.Malla Reddy S/o. Thirupathi Reddy, R/o Kothapalli

Karimnagar Dt.
10 P.Raja Reddy S/o. Raghava Reddy
R/o. Kothapalli Karimnagar Dt.

..... PETITIONERS

AND

1 Dist. Collector, Karimnagar District.
2 Dy.Executive Engineer, Marketting
Karimnagar town & Mandal & Dist.,
3 Asst. Director of Marketting
Karimnagar Dist.,
4 S.Rameswara Rao S/o.Rangaiah
R/o. Kothapalli Karimnagar Dist.,

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

issue an appropriate writ order or direction particularly on the nature of Writ of Mandamus declaring the action of the respondents in occupying or attempting to occupy the lands of the petitioners without their knowledge, or consent, for the purpose of formation of the link-road from Arepalli to Ranipoor (2 Kilometer) is arbitrary, illegal, excessive, improper and unconstitutional and offending the principles of natural justice and consequently direct the respondents to take steps for acquisition of land if necessary either under the provisions of the land Acquisition Act or by private negotiation with payment of appropriate compensation there for.

**Counsel for the Petitioner:MR.G.V.L.N.MURTHY**

**Counsel for Respondents 1 to 3: GP FOR REVENUE**

**Counsel for Respondent No.4: Sri M.Raja Malla Reddy**

**The Court made the following O R D E R:**

The grievance of the petitioners was that their land was being occupied for construction of the road and it appears that the respondents had taken a stand that it was the only existing road, which was being repaired and no land was being acquired.

The Court made the following order on 25-04-1995 in WPMP No.7493 of 1995 and WVMP No.703 of 1995.

"The writ petition was filed apprehending deprivation of the petitioners of their land in S.No.166 of Kothapalli village. I had issued interim orders on 29-03-1995 that the petitioners shall not be deprived of their rights over the above land, otherwise than by due process of law. The due process of law is initiation of land acquisition proceedings and admittedly, they have not been initiated. Now, a vacate petition is filed on behalf of the 4th respondent. Mr.G.Manohar, the learned counsel appeared for the 4th respondent and submitted his arguments and the same were supported by the learned Government Pleader for Revenue.

A link road of a distance of 2 kilometers was laid from Arepalli to Ranipoor, Hamlet of Kothapalli. It has to pass through several lands including the land of the petitioners in S.No.166 mentioned supra. Mr.G.Manohar, has placed before me a village plan, from which it is clear that there is existing road passing through the land in S.No.166. But, Mr.G.V.L.N.Murthy, the learned counsel for the writ petitioners, states that it is not a road, but only a pathway. While Mr.G.V.L.N.Murthy, stresses that the said pathway is sought to be widened to a width of 33 feet, Mr.G.Manohar, disputes this and states that the width of the road, which was existing, was 21 feet and the same was widened to 24 feet insofar as other lands are concerned. Due to interim orders of this Court mentioned above, the width insofar as the land in S.No.166 is concerned is maintained at 21 feet only and not being widened. Mr.Srinivasa Rao, the learned Assistant Government Pleader appearing for the Government, supports this statement of Mr.G.Manohar.

In the circumstances, I modify the earlier order dated 29-03-1995 to the effect that the extent of the width of the road through survey No.166 of Kothapalli village shall not be altered beyond the existing width of 21 feet, pending disposal of the writ petition."

The respondents did not oppose passing of this order. Therefore, in terms of the order passed by this Court in WPMP No. No.7493 of 1995 and WVMP No.703 of

1995, the writ petition is disposed of. No order as to costs.

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(Bilal Nazki, J)

20th January, 2005.

vrn

To

1 The District Collector, Karimnagar
2 The Dy.Executive Engineer, Marketting
Karimnagar town & Mandal & Dist.,
3 The Asst. Director of Marketting, Karimnagar Dist.,

4 Two C.Cs to the G.P. for Revenue, High Court Buildings,

A.P., Hyderabad. (OUT)

5 Two C.D. copies.